

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-456-GCM**

**JOSE E. RODRIGUEZ CASTILLO,**

**Plaintiff,**

**v.**

**BEACON HILL APARTMENTS  
(OWNED BY BRIDGE III NC BEACON  
HILL, LLC)**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on Defendant’s Motion to Dismiss for Failure to Prosecute (“Motion”) (Doc. No. 6, at 1). Plaintiff filed its Complaint in this case on July 25, 2018 in the General Court of Justice, Superior Court Division in Mecklenburg County, North Carolina. (Doc. No. 1-1, at 4). Defendant removed to the United States District Court for the Western District of North Carolina on August 20, 2018, (Doc. No. 1), and Defendant filed its Answer on September 17, 2018. (Doc. No. 3). On February 26, 2019, the Court notified both parties that they were **required** to conduct an Initial Attorney’s Conference within 14 days and set a deadline of March 19, 2019 to provide a Certificate of Initial Attorneys Conference. Notice was mailed to Plaintiff at 1800 Beacon Ridge Road Apt. 341 Charlotte, NC 28210, the address used by Plaintiff when serving Defendant in the initial state court action. (Doc. No. 1-1, at 2, 3, 4). That notice was returned as undeliverable. On June 14, 2019, Defendant filed its Motion. (Doc. No. 6). Plaintiff has not responded, and, after more than fifteen months, has not entered an appearance.

Federal Rule of Civil Procedure 41(b) permits a Court to dismiss a case where “the plaintiff fails to prosecute or to comply with these rules or a court order.” Fed. R. Civ. P. 41(b). Here,

Plaintiff has declined to enter an appearance and, for more than a year, has declined to comply with the Court's order to provide a Certificate of Initial Attorneys Conference by March 19, 2019. For the foregoing reasons, **IT IS ORDERED** that this case is **DISMISSED** without prejudice. The Clerk of Court is directed to close this civil case.

**SO ORDERED.**

Signed: December 11, 2019

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

